

Minutes of the Public Hearing held on the application of Texaco, Inc./
Ronald Cayre for a license to store fuel underground on the property of
Frank Vana on the Boston Post Road near Nobscot Road, west of the First
National building, on Thursday, May 21, 1964, at 8:30 p.m. in the lower
Town Hall.

In attendance: Selectmen Richard C. Venne and John E. Taft, Executive
Secretary G. Paul Draheim, Phyllis Sampson. In the absence of Mr. Edward E.
Kreitsek, Mr. Venne was acting chairman.

Proceedings:

Mr. Venne convened the meeting with the reading of the legal notice of
hearing as follows:

The Board of Selectmen will hold a public hearing on Thursday, May 21, 1964,
at 8:30 p.m. in lower town hall on the application of Texaco, Inc./Raymond A.
Cayre for a license to store 24,000 gallons gasoline, 500 gallons waste
oil, 1000 gallons fuel oil underground on the property of Frank Vana on the
Boston Post Road near Nobscot Road, west of the First National building.

This notice was advertised in the Fence Viewer on May 7, 1964. Notice was
sent to the following abutters: Frank Vana, Suburban Propane Gas Corp.,
N.Y., N.H. & Hartford R. R., Reuben Seth, Vera Presby, Rose Cavicchio, and
Sudbury Water District.

Mr. John C. Powers appeared as attorney for the proponents. Mr. Powers
presented an aerial view photograph of the area and described the boundaries.
He also mentioned the policy of the Selectmen in regard to gas stations and
the Batchelder hearing held previously.

Mr. Powers introduced Mr. Thomas McCary (?) of Lynnfield, Location Manager
for Texaco, whose duty is ^{to} select ~~the~~ new sites for the company.

He said that he felt Texaco could fulfill the need in Sudbury. He stated that there were seven bonafide service stations in the community (ref. Mass. Dept. of Commerce); that the number of permits granted were not necessarily all for bonafide stations. Mr. McCary pointed out that there were more service stations in 1939, 1 for every 189 cars, than there are today, 1 for every 297 cars; that there will be 50,000 more stations erected by 1970. He said that the average income per capita in Sudbury is 21% higher than in the Greater Boston area, and that the 2-car family residents of Sudbury rely on cars for transportation and service for these cars. He stated that the shopping center was a natural area for retail activity due to visibility, accessibility and potential. He also pointed out that there is a 2½ million gallon market in this community - 240,000 gallons pumped per year is a supporting average for a community - that for Sudbury this could be ten times more. Mr. McCary further stated that a station in this highway location with average business would be a credit to the company, make a name for itself, offer a good living and any business over the average would be strictly bonus money.

Mr. Taft asked what was the source of the reference to the 21%. Mr. McCary answered that it was the Dept. of Commerce. Mr. Taft said that this was not a very reliable source.

Mr. Venne asked how many companies were represented in Sudbury. Mr. McCary said Mobil Oil by two stations, Esso by one station, Shell by one station, Cities Service by one station, Amoco by one station and one independent.

Mr. Taft asked where were the nearest Texaco stations. Mr. McCary said there was one in Wayland near the Red Coach Grille, one in Marlboro Center and one in the Nobscot area in Framingham. The nearest in the direction of Maynard was as far away as Gardner-Fitchburg area.

Mr. Venne then read the report of the Fire Chief which stated that this proposed station meets the requirements of the fire department subject to the placing of a cement slab over the tanks if the water table is reached during excavation. (see letter attached.)

Mr. Reuben Seth, abutter and owner of property on which Amoco station stands, questioned the short frontage of the site in question. Mr. Powers assured Mr. Seth that the approval of the site plan would come after the decision of the application for permit; that the subject of the permit was the only thing before the board at this time.

Mr. Dewey C. Kadra, attorney representing James Mercury, questioned the zoning by-laws and asked if they required approval of sites. Mr. Venne answered that the site plan must be approved by the Board of Selectmen.

Mr. Frank Vana, owner of the shopping center land, stated that this was not the first time he had been approached by oil companies to erect gas stations. He said he had been approached several times in the last few years, but wanted to wait until the property was fully developed. Mr. Vana pointed out that he had been careful to see that the stores installed were beneficial to the town, that the golf range was in full operation now, that the shopping center increases business all around the area, and that he had refused many other oil companies. He stated that he feels there is more traffic in this area than in any other area on the Boston Post Road in Sudbury, and that this is a good location for a gas station. He mentioned that there is a law limiting the issuance of liquor licenses, but there is no such thing for gas stations even though the demand for gas stations is equal to the demand for liquor stores.

Mr. Venne asked Mr. Vana what type of soil was in the area. Mr. Vana said that pollution was a problem last year during the construction of the First

National building, but that there had been tests (test borings) made and two feet of impassible clay was hit. It was found that there was absolutely no detection in water pumps; the area had a solid foundation. Mr. Vana further stated that the area before the hearing for gas storage is not the same spot, but he felt that the soil is the same all around. He stated that he could dig with a shovel, going five feet below the surface, and still find clay.

Mr. Powers offered a follow-up on the question of need for a gas station in that area. He said that, of the 2500 families in Sudbury, there were 1.6 cars per family (ref. L.W.V. survey); that, according to excise bills, there were 4900 to 5000 cars in town; that there was one service station for every 839 registrations in town; that 75% of the residents of Sudbury go out of town to travel to work every day and one third of these use the Boston Post Road; that 56% of Sudbury residents use out-of-town service for their cars. (Here Mr. Powers quoted page 30 of the Master Plan re municipal service). Mr. Powers stated that this area is already zoned as a business district, and it is inevitable that it will always be a business district. He referred to the policy of the Selectmen - did the Selectmen want ^{all} gas stations in the same general area or not? Mr. Powers said that, since all the gas stations were in the same area, other Selectmen before them must have felt they should be. He mentioned centralizing all stations or excluding them altogether. He pointed out that the total area in question is not very large, but that the Texaco Company does not want to compete, only to service their own customers.

Mr. Venne again clarified that this was an application for a permit for the storage of gasoline, not a site plan for approval.

A question was asked concerning the granting of a permit on the same variance of that given the First National building. Mr. Vana answered that this would not be under the same Board of Appeals variance.

At 9:15 p.m., the members of the Board of Health joined the hearing.

Mr. Louis Hough, chairman, stated that the Board of Health was interested in the drainage, leaching bed and sanitary arrangements for this particular building site. He asked if the site plan showed a proposed expansion, and stated that the facilities were just barely adequate for the initial structure (referring to the First National store); that approval had been given for that structure only; that the board opposed expansion of any kind. Mr. Hough also questioned the right of way on the easterly side of the site. He said that the board felt that the problems would be oil seepage, drainage from a car wash and therefore opposed further expansion on this property.

Mr. Powers reviewed for the Board of Health his statement that when a site plan is submitted, Texaco will cooperate and comply with the Board of Health requirements.

Mr. Hough ~~brought out~~ pointed out that possibly the Board of Health was asked prematurely for an opinion and that maybe the board should not be in attendance. Mr. Taft stated that the Selectmen felt they should have the opinion of the Board of Health before the granting of the permit.

Dr. Marjorie A. C. Young, member Board of Health, questioned the depth of the water table. Mr. Jack Borden, manager of the Amoco station, stated that the water table is 9 inches below his station and that he could not use his own drain.

Dr. Young related that the Board of Health had been in contact with the State Board of Health (at the time of the previous construction of the First National building) and changes had been made then, in distance --

over 100 feet -- due to the close proximity to the well fields.

Mr. Milton Bartlett, Water Commissioner, stated that the Water District agreed with the Board of Health. He referred to the tests made at the time of the earlier construction, and he stated that the water from this site flows southeast in line with the wells. He said there was concern with the additional storage in this area because there was a sloping barrier of clay which disappears going west, and, if there was leakage, it would quite possibly end up in the wells.

Mr. Powers again reminded the ~~board~~ hearing that these problems were not those before the Board of Selectmen at this time; the storage permit only is before the board.

Mr. Taft stated that the concern was not with sewage, but consistent problems of leakage from storage tanks.

Mr. Donald McKenna, Chief Construction Engineer for Texaco, Boston, said that there were hundreds of stations near shopping centers and septic tanks, and that he did not believe that a real problem exists here because this station would be more than 500 feet away. Mr. Taft asked if there were tests for leakage after installation. Mr. McKenna answered that pressure tests were made with a gauge.

Mr. McKenna also stated that, in regard to the report from the Fire Chief, Texaco would comply with the request that tanks be covered with a concrete slab.

Mr. Bartlett stated that both the Water District and the Board of Health were opposed due to the possibility of leakage and that terms should be written into the permit. Mr. Venne said that this was allowed under law.

Mr. Kenneth Hooper, owner of the Mobil station, ~~and another~~ stated that there was a ditch across the street (in foreground of First National building)

which was always full of oil in the past. It had been cleaned out upon a request to the Selectmen and the problem exists no longer. Mr. Vana said that it was he who, with the help of the ~~State~~ Mass. Dept. of Public Works, paid for the cleaning out of this ditch. He said there was no surface water there now. Mr. Vana also pointed out that an oil slick was there for about ten years, but that there had never been a sign of oil in the wells. He suggested that this matter be held over until discussion of the site plan.

Mr. Borden said that more than half of the stations in Sudbury do not pump the amount of gas that Texaco representatives claim they should .

Mr. Algy Alexander, manager of Cities Service station, stated that he stood opposed to the granting of this permit. He stated that South Sudbury was saturated with gas stations already, could see no need for more stations, and wondered if there were enough Texaco customers in town to warrant this station.

Mr. Kadra, speaking for Mr. Mercury, owner of the Movil station, said that Mercury's station was not too near this area, but that there are already six gas stations within a small area of 1/2 mile which adequately service residents. Mr. Taft later corrected this statement by informing Mr. Kadra that the length of the Boston Post Road including these gas stations is 1.8 miles, not 1/2 mile.

Mr. Kadra also stated that the stations in existence now are "struggling". He mentioned free enterprise and said that a new permit affects the economic status of competitors. He said need is the important thing; asked if there really was a need, that no one was going without gas service. Mr. Kadra commended the board and said it was gratifying to see the board asking pertinent questions of the Water District and the Board of Health.

Mr. Taft asked if Texaco had concrete containers for the tanks and was it possible to view seepage if there were any. Mr. McKenna answered that stations in New York City do have such a container.

Hearing adjourned: 10:00 p.m.



TOWN OF SUDBURY
FIRE DEPARTMENT

Sudbury, Mass., 01776
April 16, 1964

Board of Selectmen
Town of Sudbury
Sudbury, Mass.

Gentlemen:

I have reviewed the plot plan of the proposed filling station at the First National site and feel that it meets the requirements of the fire department with the following reservations.

That when the excavations are made for the 1000 gallon fuel oil tank and the 500 gallon waste oil tank if the water table is reached a cement slab must be placed over the tanks.

Sincerely yours,

Fire Chief.